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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FEATHERSTONE, MARK D	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/779,450	TECOT ET AL.	
	Examiner	Art Unit	
	MARK D. FEATHERSTONE	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-23,25-27,29,30 and 33-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-23,25-27,29,30 and 33-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2008 has been entered.

Amendment

Response to amendment filed 12/29/2008. Applicant has amended claims 1, 4, 7-9, 14-16, 18-21, 27, 29-30, and 33. Claims 2-3, 24, 28, and 31-32 have been canceled. Claims 34-38 have been newly added. Claims 1, 4-23, 25-27, 29-30, and 34-38 are pending.

Response to Arguments

Applicant's arguments with respect to claim 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4-6, 10-11, 14-23, 25-27, 29-30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al, US PG Pub # 20030126599, in view of Gatto et al, US Patent # 7346917, hereinafter Gatto.

With regard to claim 1, Novak discloses:

A method for presenting information (Figure 4 shows two physically presentation distinct devices (401 and 402) that are communicatively coupled via a network (101) described in [0036]), the method comprising:

while presenting the information via the first processing mechanism, receiving a user-submitted command ([0075]; on-screen controls allow users to submit commands to mark points of interest)

in response to the user-submitted command, adding a mark that is associated with the information, via a marking mechanism of the first processing mechanism (Figure 4, item 402 and [0074]; Novak describes creating a mark corresponding to a point of interest at the editing device (source); [0075]; Novak describes that the editing device contains on-screen controls to designate points of interest) and presenting the information via the second processing mechanism based on the mark added via the first processing mechanism ([0088-0089]; Novak describes the playback device (Figure 4, item 404) receiving a copy of the media program and playing back the program based on the received bookmarks from the editing device),

wherein at least one of said adding the mark and said presenting the information via the second processing mechanism comprises displaying a visual indicator of

the mark at a display position that is related to a time at which the mark was associated with the information (Figure 5, item 516 and [0078]; Novak describes displaying a status bar that is displayed on which the user can set a bookmark. The status bar indicates the time from the beginning of the program until where the bookmark is placed. [0089]; Novak describes that the user can invoke these bookmarks with these same controls a the playback device)

Novak discloses sending marks added by a first mechanism to a second mechanism, however fails to disclose transferring the information from the first processing mechanism to a second processing mechanism, the second processing mechanism being physically distinct form the first processing mechanism, the information being the media content itself. Novak merely discloses sending the bookmark information only in order to conserve bandwidth. Gatto discloses a home network system in which several client STBs can be interconnected together (see figure 1, items 113, 116, and 108). Using this structure, as disclosed in column 7, lines 35-56, users can share resources located in different rooms of the house. For example, a user in the master bedroom can watch a DVD that is inserted in the STB located in the living room. Therefore, the data from the STB located in the living room sends the media program to the client STB located in the bedroom. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Novak and Gatto to send both the information (media program) and the bookmark information over the network to a user located in

another location. As in the system of Novak, this bookmark information could be added at one location (living room) and sent to the bedroom location, along with the actual media program as taught by Gatto. The advantage of this would have been the ability to share resources within a home network as taught by Gatto and receive bookmark information as taught by Novak.

With regard to claim 4, Novak in view of Gatto discloses the method according to claim 1. Novak further discloses wherein the first processing mechanism is contained in a first area in a building and the second processing mechanism is contained in a second area in the building (Figure 4, Novak illustrates the source and destination devices connected by a network; [0072]; Novak describes that the source can be connected to the destination via a network such as a broadband network, wireless network, or the internet; all of these networks inherently have the ability to connect two computers located within the same building). Further, Gatto describes a network of STBs located within a single home environment.

With regard to claim 5, Novak further discloses, wherein the information comprises a media content program ([0073]; Novak describes several types of programs, such as a television show, movie, etc; these are all types of media content programs)

With regard to claim 6, Novak further discloses, wherein the media content program comprises a video program ([0073]; Novak describes the types of

programs such as a television program or movie, which are examples of a video program)

With regard to claim 10, Novak in view of Gatto discloses the method according to claim 1. Novak further discloses wherein the visual indicator of the mark has visual display properties that convey at least one characteristic of the mark ([0083], Novak describes that different sets of bookmarks can be displayed in a different color; for example, each color represents the scene a particular actress appears in)

With regard to claim 11, Novak in view of Gatto discloses the method according to claim 10. Novak further discloses wherein the visual display properties include at least a color for presenting the visual indicator ([0083]; Novak describes that a particular color can differentiate between sets of marks)

With regard to claim 14, Novak further discloses wherein the displaying the visual indicator of the mark comprises presenting a part of the information associated with the mark along with the visual indicator ([0101]; Novak discloses the bookmarks can be embodied as a frame index, or time index, which would indicate information associated with the mark)

With regard to claim 15, Novak further discloses wherein the part of the information is a video image taken from the information which is associated with the mark ([0101]; Novak discloses that the bookmarks can be embodied as a frame index, corresponding to video images of the program)

With regard to claim 16, Novak further discloses wherein the displaying the visual indication of the mark comprises presenting the visual indicator of the mark at a display position along a timeline, where the position conveys a juncture at which the mark occurs within the information (Figure 5 item 516 and [0077]; Novak illustrates and describes a visual indicator of a mark along a timeline; see also paragraph [0101]; the bookmark can be embodied as a time index, corresponding to a timeline)

With regard to claim 17, Novak further discloses wherein the displaying involves multiple visual indicators of multiple respective marks at multiple display positions along the timeline, where the multiple positions convey respective junctures at which the multiple marks occur within the information (Figure 5 item 516 and [0077]; Novak illustrates and describes multiple visual indicators of a mark along a timeline, which indicate to the user where in the timeline of the program the marks occur).

With regard to claim 18, Novak further discloses navigating among the multiple visual indicators to select any one of the multiple visual indicators (Figure 5 and [0089]; Novak discloses navigation controls (items 512, 514) which the user invokes to navigate between multiple bookmarks)

With regard to claim 19, Novak further discloses wherein the navigating comprises: receiving an indication of a first user-submitted navigation command; in response to the first user-submitted navigation command, selecting a temporally succeeding visual indicator; receiving an indication of a second user-

submitted navigation command; and in response to the second user-submitted navigation command, selecting a temporally prior visual indicator with respect to the currently selected visual indicator ([0089]; Novak describes that the user can skip forward or backward between bookmarks using a button on a remote control).

With regard to claim 20, Novak further discloses receiving an indication of a user-submitted presentation command; and in response to the user-submitted presentation command, invoking a currently selected visual indicator (as described in the claim 19 rejection, the system of Novak allows a user to invoke bookmarks by navigating between distinct bookmarks (corresponding to a command to present a bookmark).

With regard to claim 21, Novak further discloses wherein the visual indicator of the mark comprises a thumbnail image corresponding to a part of the information associated with the mark, and the displaying the visual indication of the mark comprises presenting the thumbnail image in positional relationship to at least one other thumbnail image associated with another mark, wherein the positional relationship is based on the respective times associated with the creation of the marks ([0078-0079]; Novak describes the method of adding a bookmark to a timeline (Figure 5, item 516). Novak additionally describes that the bookmark may contain additional information such as an image)

With regard to claim 22, Novak further discloses navigating among the thumbnail images to select any one of the thumbnail images ([0123]; Novak

describes that the playback device can be configured to navigate between bookmarks (which can be arranged by their time indices) using forward/back buttons (Fig. 5, items 512, 514); [0078], Novak describes that the bookmarks may be embodied as a frame index, and in [0079], Novak describes that the bookmarks may include an image)

With regard to claim 23, Novak further discloses wherein the adding involves at least one of:

the generation of a status display, wherein the status display presents the visual indicator of the mark at a display position along a timeline, wherein the position conveys a juncture at which the mark occurs within the information (Figure 5 item 516 and [0077]; Novak illustrates and describes a visual indicator of a mark along a timeline; paragraph [0101]; the information could be a frame index or time index);

the generation of a mark panel display that contains an input selection item associated with the information mark ([0078]; Novak discloses that the marks can be embodied as a frame index); and

the generation of a thumbnail display that presents the visual indicator as at least one thumbnail image corresponding to a part of the information associated with the mark;([0079], Novak discloses that this mark can include an image corresponding to the program)

With regard to claim 25, Novak further discloses wherein the presenting is invoked by the activation of an input selection item associated with the

information containing the mark, wherein the input selection item appears in a display that corresponds to at least one of:

a mark panel display;

a thumbnail display;

a menu display;

a program guide display; and

a program-specific information display corresponding to the information (Figure 5, items 406 a-d and [0077]; Novak describes a bookmark that is displayed on a mark panel display that indicates the time in the program the bookmark exists. Novak further discloses in [0078] that the bookmark can be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator. Although Novak does not specifically mention a thumbnail display, a menu display or a program guide display, his system does have the capability to be programmed to do so).

Claim 26 is the computer readable medium with instructions to implement the steps of claim 1, and is analyzed and rejected accordingly.

Claim 27 is analyzed and rejected as applied to claims 1, 7, 16, and 20. As stated, the system of Novak in view of Gatto discloses presenting a mark panel display that indicates bookmarks in the program. This display can be for a first program or a second program (the claim does not require that the mark panel display displays both the representations of the first and second program and the same time). Further, the system of Novak in view of Gatto discloses

invoking existing marks and adding new marks, as discussed in the referenced claim rejections.

Claim 29 is the computer readable medium to implement the steps of claim 27, and is rejected as applied.

With regard to claim 30, Novak discloses:

A first processing mechanism (Figure 4, item 402 editing device), the first processing mechanism comprising:

a first memory;

a first processor (paragraph [0071]; editing device can be embodied as a personal computer, STB, etc, inherently containing a processor and memory);

presentation logic, stored in the first memory and executed by the first processor to present information (paragraph [0072]; the user can playback the item on TV 104 and add bookmarks defining points of interest);

marking logic, stored in the first memory and executed by the first processor to present information (paragraph [0072]; bookmark points of interest);

marking logic, stored in the first memory and executed by the first processor to create a mark associated with information currently being presented, wherein the mark is embedded in the information (paragraph [0072]; the program is marked which embeds the mark with the information for retrieval i.e. the mark will have information as to the location within the stream it was placed); and

a second processing mechanism, physically distinct from the first processing mechanism, the second processing mechanism comprising (Figure 4, item 404; PC or computer similar to first device);

a second memory;

a second processor;

communication logic, stored in the second memory and executed by the second processor to receive mark (paragraph [0087]; the bookmarks are received by the playback device 404);

presentation logic, stored in the second memory and executed by the second processor to present the information (Figure 4, item 104 TV to present the information via the playback device 404, which contains the logic)

Novak discloses sending marks added by a first mechanism to a second mechanism, however fails to disclose transferring the information from the first processing mechanism to a second processing mechanism, the second processing mechanism being physically distinct form the first processing mechanism, the information being the media content itself. Novak merely discloses sending the bookmark information only in order to conserve bandwidth. Gatto discloses a home network system in which several client STBs can be interconnected together (see figure 1, items 113, 116, and 108). Using this structure, as disclosed in column 7, lines 35-56, users can share resources located in different rooms of the house. For example, a user in the master bedroom can watch a DVD that is inserted in the STB located in the living room.

Therefore, the data from the STB located in the living room sends the media program to the client STB located in the bedroom, and the user could invoke the embedded marks from a different location. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Novak and Gatto to send both the information (media program) and the bookmark information over the network to a user located in another location. As in the system of Novak, this bookmark information could be added at one location (living room) and sent to the bedroom location, along with the actual media program as taught by Gatto. The advantage of this would have been the ability to share resources within a home network as taught by Gatto and receive bookmark information as taught by Novak.

Claim 33 is the processing mechanism to invoke the method steps of claim 27, and is analyzed and rejected accordingly.

3. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Gatto, in further view of Vallone, US Patent # 6642939, hereinafter Vallone.

With regard to claim 7, Novak in view of Gatto disclose the method of claim 1 by disclosing the ability to add a mark to a program. In [0077], Novak describes adding the bookmarks using a marking control, and discusses navigating buttons on the remote control, however does not specifically say that there a button on the remote control used to create the mark.

Vallone, in his patent does disclose a button to mark a program (Figure 15, item 1406 and column 16, lines 55-59; Vallone describes pressing the select button on the remote to create a mark).

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak in view of Gatto to use the remote to create the bookmark at the source device. The advantage of this is the well-known advantage of using a remote control to issue commands to the TV system when out of physical reach.

With regard to claim 8, Novak in view of Gatto disclose the method according to claim 1 by disclosing a method to mark a program. Novak in view of Gatto fails to disclose the feature of deleting the mark by selecting the visual indicator of the mark and activating the marking mechanism again.

Vallone does disclose this feature (column 16, lines 55-59; Vallone describes pressing the same button to delete the mark as was used to create the mark after jumping to the mark (selecting the mark)).

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak in view of Gatto to delete a mark after creating it. The advantage of this would have been to remove a mark that was not intended to be produced.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Gatto, in further view of Lu et al, US Patent # 6647548, hereafter Lu.

With regard to claim 9, Novak in view of Gatto discloses the method of claim 1 by disclosing the ability to create a mark on an existing program, however fails to teach the feature that another mark is invoked if it occurs to soon after the first mark. Lu teaches a method of preventing a record from being captured by a "very fast channel change" (column 13, lines 1-9), which would result from the user pushing the channel change button at a fast rate.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Lu to the system of Novak in view of Gatto to ignore a button press by a user that is deemed to be inadvertent by the system. The advantage of doing this would have been to not create unintentional records (bookmarks) that the user does not want.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Gatto, in further view of Griecewic, US Patent # 6320591, hereinafter Griecewic.

With regard to claim 12, Novak in view of Gatto discloses the method according to claim 10 by disclosing a visual indicator of a mark that conveys a characteristic, however fails to specifically disclose that the display can contain a characteristic of an individual who added the mark.

Griecewic, in his patent deals with adding bookmarks to an electronic book discloses that a label may indicate the particular user of the label, and this may be indicated by a particular color (column 4, lines 3-11).

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak in view of Gatto in order to distinguish a particular user that has added the mark by designating a color that user. The advantage of this would have been that another user could easily identify the bookmark of a known person and play back that particular bookmark.

6. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Gatto, in further view of Bedard, US Patent 5805235, hereinafter Bedard.

With regard to claim 13, Novak in view of Gatto discloses the method according to claim 10 by disclosing the visual display conveys at least one characteristic of the mark, however fails to disclose that the characteristic of the mark pertains to whether the mark is currently selected or unselected.

Bedard discusses adding bookmarks to programs, and discloses whether the mark is currently selected or unselected (Figure 4I and column 4, line 66 - column 5, line 4; Bedard illustrates and describes shadowing a currently selected icon that pertains to a bookmark; conversely, the unselected bookmarks are not shadowed)

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak in view of Gatto in order to show the user which bookmark is currently selected. The advantage would have been a more user friendly interface in which it is clear what bookmark is currently selected.

7. Claims 34-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Gatto, in further view of Vasilevsky et al, US PG Pub # 20050166258 (PCT filed April 11, 2002), hereinafter Vasilevsky.

With regard to claims 34-36, Novak in view of Gatto discloses the method according to claim 1, however fails to disclose wherein the mark is stored as a component of the information, and wherein the user-submitted command comprises a pause and stop command. Vasilevsky discloses a system in which a user can bookmark a program from a reproduction device that is receiving the information from a centralized server (abstract). Vasilevsky discloses in paragraph [0051] that the bookmarks are stored in a database along with program identity information, corresponding to "a component of the information". Further, in paragraph [0022]; Vasilevsky discloses that based on the demand of the user, the system will place a bookmark in the program where the reproduction has stopped, and in paragraph [0049]; discloses that a program can be viewed from a pause point that has been set by the viewer at a different location. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Vasilevsky to store the marking information as a component of the program, and allow a user to resume watching from a stop or pause point at a later time to the system of Novak in view of Gatto that allows a user to set a bookmark in a program at one location and view the program and bookmark at another location. The advantage would have

been to allow a user to mark a point of viewing so user could return later at another location and continue viewing from the marked point.

With regard to claim 38, Novak in view of Gatto discloses the method of claim 10 by displaying a mark with a characteristic, such as a color pertaining to a particular actress. However they fail to disclose wherein at the least one characteristic of the mark is selected from a group of characteristics consisting of an indication of a user who created the mark. Vasilevsky discloses that a user can see what marks other users have made (see figure 7 and corresponding paragraph [0058]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Vasilevsky to the system of Novak in view of Gatto in that it would be advantageous to see what bookmarks other users have placed in order to more quickly identify content of interest.

8. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Gatto, in further view of Carver et al, US Patent # 7451467, hereinafter Carver.

With regard to claim 37, Novak in view of Gatto discloses the method of claim 1, however fails to disclose wherein the user-submitted command comprises a channel change command. Carver discloses a system for playing back media content to a user either in real-time or from stored content (abstract). In column 10, lines 52-58, and corresponding figure 9, Carver discloses setting a bookmark on a channel after receiving a channel change command.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Carver to set a bookmark in response to a channel change request to the system of Novak in view of Gatto that sets bookmarks in a media program at the request of the user. The advantage would have been to save the place of program that a user is watching and then returning to the same position at a later time, and view the recorded content, as taught by Carver.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

/Mark Featherstone/ - Assistant Examiner

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423